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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,436	05/09/2001	Paulus Carpelan	P 280347	2106
909	7590	09/14/2005	2000455US/HM/HER	
PILLSBURY WINTHROP SHAW PITTMAN, LLP			EXAMINER	
P.O. BOX 10500			LY, ANH VU H	
MCLEAN, VA 22102			ART UNIT	PAPER NUMBER
			2667	

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/851,436

Applicant(s)

CARPELAN, PAULUS

Examiner

Anh-Vu H. Ly

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 27, 2005 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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2. Claims 1 and 3-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Koivu (US Patent No. 6,266,332 B1).

With respect to claim 1, Koivu discloses (col. 3, lines 13-16) that a common channel consisting of one or more time slots of the PCM connection, or parts of it, has been allocated in each of the three PCM connections 4 to be commonly used by each base station connected to it (determining a set of radio channels to include all radio channels which said set of base stations have at their disposal for communication). Koivu discloses (col. 3, lines 13-23) that a different channel or a time slot may be used in each branch (each radio channel is assigned substantially an equal number of times), consisting of one or more base stations, to make contact with the base station controller during initialization. Further, Koivu discloses (col. 4, lines 6-9) that the message is transmitted on the common channel CH1, which has been allocated in the PCM connection 4. Herein, the common channel or a time slot is a dedicated assigned channel of a particular base station during the manufacturing to make contact with the base station controller during initialization (assigning one radio channel out of a determined set of radio channels to each base station during manufacture of the base stations).

With respect to claims 3 and 5, Koivu discloses (col. 3, lines 13-16) that a common channel consisting of one or more time slots of the PCM connection, or parts of it, has been allocated (assigning a randomly selected radio channel out of the determined set of radio channels to the first base station) in each of the three PCM connections 4 to be commonly used by each base station connected to it.

With respect to claim 4, Koivu discloses (col. 3, line 65 – col. 4, line 22) that in connection with the assembly of the base station or, alternatively, its installation, the installer determines an identifier for the base station. The transmission units of the base station include the identifier (assigning a radio channel derived on the basis on an individual serial number of the base station out of the determined set of radio channels to each base station) into identification message to be sent to the base station controller. Upon detecting the message, the transmission units being receiving it and storing transmission branching table in the memory 6.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koivu (US Patent No. 6,266,332 B1) in view of Verrier et al (US Patent No. 6,606,499 B1).

With respect to claim 2, Koivu discloses in Fig. 1, a cellular radio system for making contact with the base station controller using the assigned dedicated channel. Koivu does not disclose determining a given order for the radio channels, selecting a first base station and assigning one available radio channel thereto; selecting a second base station and assigning a radio channel having the next order number thereto or, if the radio channel assigned to the first base station has the largest order number out of the determined set of radio channels; and

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continuing assigning radio channels according to order numbers in an ascending or descending order until radio channels are assigned to the entire set of base stations. Verrier discloses (col. 5, line 48 – col. 6, line 42 and Figs. 2-6) that each BSC is associated with a memory which contains list of channels for each base station 10, 14, 15 which it controls. Herein, each of the physical channels processed by the DCA method belongs to one of the three lists L1, L2, and L3 and is therefore associated with a respective priority index P1(i) or P2(j) or P3(k) (determining a given order for the radio channels). Verrier discloses in Figs. 3-6, different procedures for managing and allocating channels in the lists L1, L2, L3 to the base stations for communications in the system. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the features of ranking the channels in an order and allocating channels to each of the base stations according to the ranking in Koivu's system, as suggested by Verrier, to optimize the distribution of the bandwidth between cells as well as the quality of the communications.

Response to Arguments

4. Applicant's arguments filed July 27, 2005 have been fully considered but they are not persuasive.

Applicant argues in pages 3 and 4 that Koivu teaches away from the features of claim 1 because Koivu teaches that the base stations have at their disposal additional channels that are different from those assigned during manufacturing. In Koivu, base stations have at their disposal additional base station specific channels that are not assigned as the common channels during manufacturing of the base station. Examiner respectfully agrees. However, as clearly stated in the rejections of independent claim 1, Koivu discloses (col. 4, lines 6-9) that the

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message is transmitted on the common channel CH1, which has been allocated in the PCM connection 4. Herein, the common channel or a time slot is a dedicated assigned channel of a particular base station during the manufacturing to make contact with the base station controller during initialization. Herein, the common channel is an assigned channel during manufacture of the base stations. Whereby, additional channels or base station specific channels, whether existed or not, is not really important since examiner relies only on the common channels or time slots as the assigned channels during manufacturing of base stations, and not relied upon the base station specific channels. Therefore, applicant's arguments are not directed to the claimed invention and examiner's consideration. Further, examiner would like to particularly point out that the common channels or time slots are a set of radio channels to include all radio channels.

Conclusion


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh-Vu H. Ly whose telephone number is 571-272-3175. The examiner can normally be reached on Monday-Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

avl


CHI PHAM
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